

1635

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# FAX TRANSMITTAL

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Date: August 8, 2003

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**Total Number Of Pages Including Cover Page 6**

## FAX TO

Name	Company	Fax Number	Phone Number
Examiner Richard A. Schnizer	USPTO, Art Unit 1635	(703) 305-3014	(703) 306-5441

**No Original to follow**

### NOTES:

**Please deliver to Examiner Richard A. Schnizer, Art Unit 1635**

**Formal Communication Intended For Entry In U.S. Patent Application Serial No. 09/778,388 attached.**

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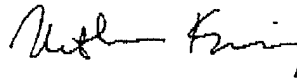
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**Continued Prosecution Application (CPA) Request Transmittal  
Petition For Extension Of Time Under 37 CFR 1.136(a), in duplicate**

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

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(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:  Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No. of Prior Application	343054.01500
	First Named Inventor	Francis C. Szoka, Jr. et al.
	Examiner Name	Richard A. Schnizer
	Art Unit	1635
	Express Mail Label No.	

This is a request for a ☐ continuation or ☐ divisional application under 37 CFR 1.53(d).(continued prosecution application (CPA)) of prior application number 09/778,388filed on February 7, 2001, entitled pH Sensitive Lipids Based On Ortho Ester Linkers, Composition And Method.**NOTES**

**FLING QUALIFICATIONS** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000), Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION.** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on July 16, 2003 under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (a)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
    - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed.
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.18(c) or (d))		48-20* =	28	x \$18=	\$ 504
INDEPENDENT CLAIMS (37 CFR 1.18(d) or (e))		7-3** =	4	x \$84=	336
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$_____ =	
				BASIC FEE (37 CFR 1.16)	750
				Total of above Calculations *	1,590
Reduction by 50% for filing by small entity (Note 37 CFR 1.27)					795
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.				TOTAL *	\$795

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27

7. The Director is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 502 - 803:

a. ☒ Fees required under 37 CFR 1.16.

b. ☒ Fees required under 37 CFR 1.17

c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).

11. ☒ New Attorney Docket Number, if desired  
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12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other:

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Name	Nathan P. Koenig				
	Reed Smith Crosby Heafey LLP				
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Country	USA	Telephone	(541) 806-2252	Fax	(415) 391-8269

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type) Nathan P. Koenig

Signature 

Registration No. (Attorney/Agent) 38,210

Date August 8, 2003